

### Remarks

Claims 1-20 are pending in the present application. Claims 1-20 are rejected under 35 U.S.C. 102(b). Claim 1 is rejected under 35 U.S.C. §112.

Claims 2, 6, and 8 are cancelled.

Claims 1 and 10 are amended to include the limitations of claim 2 and claim 8. Specifically, claims 1 and 10 are now limited by:

wherein the olefin component of the copolymer comprises from about 40 wt. % to about 99 wt. % of the copolymer and wherein the copolymer comprises one or more of: ethylene methyl acrylate copolymers (EMA), ethylene methyl methacrylate copolymers (EMMA), ethylene ethyl acrylate copolymers (EEA), ethylene ethyl methacrylate copolymers (EEMA), ethylene butyl acrylate copolymers (EBA), or ethylene butyl methacrylate copolymers (EBMA)

Claim 1 is further amended to replace “is adapted to provide” with “provides”. Claim 19 is amended to include the limitation “wherein the copolymer includes an olefin component in an amount from about 40 wt. % to about 99 wt. % of the copolymer.” This in effect includes the limitations of claim 8 into claim 19.

The present invention provides a concentrate for coloring a base polyester which includes one or more colorants and from about 20 wt. % to about 80 wt. % of one or more copolymers. The copolymers include one or more of olefin/acrylate copolymer or olefin/methacrylate copolymer. The present invention overcomes many of the problems in the prior art by specifically excluding low melt viscosity resins (such as waxes). Such problems include the premature melting at the feed throat, obstruction of resin flows, and excessive screw slippage. (Specification, p. 2, ll. 25-28.) Moreover, the processing of two materials (i.e., the low viscosity resin and the copolymer) increases the process complexity. (Specification, p. 3, ll. 10-12.) Finally, the concentrate of the present invention when

combined with a base polyester provides a polyester composition having a moisture content of less than about 0.1 wt. % as measured by total weight of the polyester composition.

**Rejection Under 35 U.S.C. §112**

Claims 1-9 are rejected under second paragraph of 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention. Claim 1 is amended to replace "is adapted to provide" with "provides". This amendment makes it clear that the addition of the concentrate provides the polyester composition with the requisite moisture content. Accordingly, claim 1 is amended essentially in the manner suggested by the Examiner.

**Rejection Under 35 U.S.C. §102(b)**

Claims 1-7, 9-16, and 18-20 are rejected under 35 U.S.C. §102(b) as being anticipated by Petiniot et al. (U.S. Patent Application No. 2001,0049424).

Claims 1, 3-11, and 13-18 are rejected under 35 U.S.C. §102(b) as being anticipated by Siegle et al. (U.S. Patent No. 3,766,126).

Claims 1-3 are rejected under 35 U.S.C. §102(b) as being anticipated by Rondy et al. (U.S. Patent No. 5,824,731).

The Examiner has not rejected claim 8 under either Petiniot or Rondy. Claims 1 and 10 are amended to include the limitations of claim 8. Accordingly, amended claim 1 is no longer anticipated by Rondy and amended claims 1 and 10 are no longer anticipated by Petiniot.

The Examiner has not rejected claim 2 under Siegle. Claims 1 and 10 are amended to include the limitations of claim 2. Accordingly, claims 1 and 10 are no longer anticipated by Siegle.

For the same reasons as set forth above, claims 3-5, 7, 9-18 which depend from either claims 1 or 10 are also allowable.

The Examiner has rejected independent claim 19 as being anticipated by Petiniot. Claim 19 is amended to include the limitations of claim 8 which has not been anticipated by Petinitot. Accordingly, amended claim 19 and its dependent claim 20 are now allowable.

### **Conclusion**

Applicants have made a genuine effort to respond to each of the Examiner's rejections in advancing the prosecution of this case. Applicants believe that all formal and substantive requirements for patentability have been met and that this case is in condition for

allowance, which action is respectfully requested. If a telephone or video conference would help expedite allowance or resolve any additional questions, such a conference is invited at the Examiner's convenience.

Respectfully submitted,

**THOMAS JOSEPH PECORINI, et al.**

By James W. Proscia  
James W. Proscia  
Reg. No. 47,010  
Attorney/Agent for Applicant

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**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1238  
Phone: 248-358-4400  
Fax: 248-358-3351